

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. C 05-00611 WHA

Plaintiff,

v.

**ORDER REQUIRING MENTAL
EXAMINATIONS**

DALE SCOTT HEINEMAN; KURT F.
JOHNSON; THE DOREAN GROUP;
WILLIAM JULIAN; FARREL J.
LECOMPTE, JR.; SARA J. MAGOON; and
CHARLES DEWEY TOBIAS,

Defendants.

Based upon the record made during the above-captioned case, including the hearing of March 21, 2006, and particularly statements made by defendants Dale Scott Heineman and Kurt F. Johnson, the Court will hold a hearing to determine their mental competency.


The Court finds that defendants Heineman and Johnson, who have refused counsel thus far, have made multiple statements that give reason to believe they may suffer from a mental disease or defect that renders them mentally incompetent to the extent that they are unable to understand the nature and consequences of the proceedings against them, to conduct properly their own defense or to assist potential counsel in their defense — or at least the record might suggest incompetence to an appellate court. *See* 18 U.S.C. 4241(a). Among these statements by defendants Heineman and Johnson are those suggesting they believed that they were in communication with Jesus and that he had told them he was burning down three judges' homes.

1 To assist the Court, psychiatric examinations of defendants Heineman and Johnson shall
2 be performed, with reports of the examinations filed pursuant to 18 U.S.C. 4247(b) and (c). *See*
3 18 U.S.C. 4241(b) and Federal Rule of Criminal Procedure 12.2(c)(1)(A). The government is
4 **ORDERED TO SUBMIT, BY NOON, APRIL 4, 2006**, the names of up to four qualified examiners
5 from among whom the Court may designate those who will examine defendants Heineman and
6 Johnson. In choosing from among qualified examiners, the government shall give due
7 consideration to the convenience of the defendants and their detention facility, and the desire of
8 the Court for a prompt resolution of the competency issue.

9 After the Court designates the examiners, a schedule will be set for submission of the
10 reports and a competency hearing. In issuing this order, the Court does not imply or find at this
11 stage that defendants Heineman and Johnson are mentally incompetent.

12 **IT IS SO ORDERED.**

13
14 Dated: March 23, 2006



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE